

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:08CR034 CEJ
)	
JOHN ARTHUR STACKHOUSE,)	
)	
Defendants.)	

MEMORANDUM AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

The above matter was referred to the undersigned United States Magistrate Judge pursuant to 28 U.S.C. §636(b). On March 10, 2008, the Defendant filed a motion to suppress a statement made by the Defendant on June 6, 2007 to detectives of the St. Louis Metropolitan Police Department. On March 18, 2008, the undersigned held a hearing on the motion to suppress. At the hearing, the Government stated that it did not intend to use and would not introduce into evidence the statement made by the Defendant on June 6, 2007. The Defendant stated at the hearing that this statement is the only statement the Defendant made in this case, and was the only statement of the Defendant whose admission he was contesting. Therefore, based on the fact that the Government has stated that it will not use any statement of the Defendant made on June 6, 2007, the undersigned will deny the Defendant's motion to suppress at this time without prejudice because the Government has stated that this evidence will not be introduced at trial.

Therefore, the Defendant's motion should be denied without prejudice.

Accordingly,

IT IS HEREBY RECOMMENDED that the Motion to Suppress Statements [Doc. #27--dated 3/10/2008] be **denied without prejudice**.

Further, the parties are advised that they have until March 31, 2008, in which to file written objections to this recommendation and determination. Failure to timely file objections may result in a waiver of the right to appeal questions of fact. Thompson v. Nix, 897 F.2d 356, 357 (8th Cir. 1990).

/s/ Terry I. Adelman
UNITED STATES MAGISTRATE JUDGE

Dated this 20th day of March, 2008.